
A BILL FOR AN ACT

RELATING TO THEFT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 708-831, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-831 Theft in the second degree.** (1) A person
4 commits the offense of theft in the second degree if the person
5 commits theft:

6 (a) Of property from the person of another;

7 (b) Of property or services the value of which exceeds
8 \$300;

9 (c) Of three or more items of mail belonging to three or
10 more unrelated persons in the same or separate
11 incident as part of a common scheme or plan;

12 [~~e~~] (d) Of an aquaculture product or part thereof from
13 premises that is fenced or enclosed in a manner
14 designed to exclude intruders or there is prominently
15 displayed on the premises a sign or signs sufficient
16 to give notice and reading as follows: "Private
17 Property"; or



1 ~~[(d)]~~ (e) Of agricultural equipment, supplies, or products,
2 or part thereof, the value of which exceeds \$100 but
3 does not exceed \$20,000, or of agricultural products
4 that exceed twenty-five pounds, from premises that are
5 fenced, enclosed, or secured in a manner designed to
6 exclude intruders or there is prominently displayed on
7 the premises a sign or signs sufficient to give notice
8 and reading as follows: "Private Property." The sign
9 or signs, containing letters not less than two inches
10 in height, shall be placed along the boundary line of
11 the land in a manner and in such position as to be
12 clearly noticeable from outside the boundary line.
13 Possession of agricultural products without ownership
14 and movement certificates, when a certificate is
15 required pursuant to chapter 145, is prima facie
16 evidence that the products are or have been stolen.

17 (2) Theft in the second degree is a class C felony. A
18 person convicted of committing the offense of theft in the
19 second degree under ~~[(e) and (d)]~~ subsection (1)(d) or (e) shall
20 be sentenced in accordance with chapter 706, except that for the
21 first offense, the court may impose a minimum sentence of a fine



1 of at least \$1,000 or two-fold damages sustained by the victim,
2 whichever is greater."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on January 1, 2020.



H.B. NO. 1826

Report Title:

Theft; Felony

Description:

Provides that an individual caught with stolen property belonging to three or more persons in the same or separate incident as part of a common scheme or plan commits second degree theft. (HB1826 HD1)

